H. K. WALKER, ASSISTANT EDITOR.

We wish it distinctly understood that no paper will sed until all arrearages are paid, except at the by Letters on business with this office, to ensure atten-on, must, in all oases, be directed to B. R. McKassis & Co.

MONDAY MORNING, NOV. 26.

ELECTION OF SUPREME JUDGE On Saturday, Dec. 1.

Truth Stranger than Piction.

The Attorney General for the State has fornished us with the subjoined narrative of the Trial of WILLIAM PETERSON, the convict who was the "head and front" of the several plots to fire the State Penitentiary last Spring, one of which resulted so disastrously. The writer was, at the time of the trial, Attorney General for the Memphis district, and was engaged in the prosecution of Peterson for highway robbery and murder; of which he was convicted, and for which he is now in the Penitentiary for life. The narrative presents one of the darkest records of crime ever perpetrated in the State, and altogether one of the most remarkable and intensely interesting instances of retributive justice, upon purely circumstantial proof, we remember to have read among the annals of crime.

THE TRIAL OF WM. PETERSON.

In looking through the Biennial Report of the Board of Inspectors for the State Penitentiary, recently submitted to the Legislature, my attention was attracted by the following paragraph:

" It becomes our duty to report a second attempt to burn the Prison. Since the burning of the 29th of March last, the convicts have been very closely watched in all their actions, and on the 13th of the present month, (October,) William Peterson was detected with spunk, rage and turpentine upon his person. He was at once charged with a design to burn the Prison, when he implicated another person; but the other had previously informed the officers that Peterson had confided in him, and told him of his designs. This man Peterson, it appears, was concerned in the previous plot, and his design in the present instance, was to set one wing on fire in the same manner that it was fired in March last, and in the midst of the confusion that would, as he supposed, be created thereby, he intended to set fire to the other wing, which communicated with the front buildings; but fortunately he was foiled."

The Trial of William Peterson, the convict referred to, will long be remembered by the good people of Shelby county, as one of the most remarkable developments of revolting crime to be found in all the chronicles of guilt. The circumstances conwith the crime, and disclosed at the trial gave to the proceedings a romantic interest and intense dramatic effect, rarely ever witnessed in the course of legal investigation. The prisoner, then a youth of about twenty years, was charged with the crime of highway robbery and murder upon the person of Thomas Merriweather, a citizen of Mississippi. He was arraigned and put upon his trial at Raleigh, in the summer of 1852. In appearance, the prisoner more resembled a fair, young girl, than the common ideal of a highwayman-of light and buoyant figure-small of stature-of fair and beautiful complexion, but of an expression of countepance as if chisselled of marble-cold, seturnine, and indifferent to the last degree. The deceased was a young planter of Mississippi-of very noble character and great popularity-then but recently married to a lovely young bride. The character of the deceased and the notoriety of the crime had attracted a vast concourse of people of both sexes, who, during the progress of the trial, which lasted two days, were held in mute and breathless attention by the most extraordinary and well linked chain of circumstantial testimony by which a great crime

was ever brought to light, and a great offender to cond'gn punishment. Thomas Merriweather left his home in Mississippi in the Spring of 1851, to traverse on horse-back the wilds of Arkansas, in quest of a new home. He certained to be at that time sojourning in the town took with him about one hundred and eighty dolof Grenada. Mr. Merriweather, accompanied by a few friends, went in search of him. In the conflict lars in money to pay his traveling expenses. The horse upon which the journey was to be performed, whose astonishing instincts afterwards became such an important and indispensable link in the chain of termined still farther to investigate the matter be testimony by which the murderer of his master was fore he had Peterson arrested; and the purpose of detected, was a dark blood-bay, of great beauty and sagacity, and of wonderful affection for his master. On taking leave of his family, Mr. Merriweather observed that he would take Memphis in his route, some hundred and twenty miles distant-where he intended to purchase a pocket Bible, and a small map of Arkansas. His wife placed in his vest pocket a package of needles wrapped in brown paper, with some buttons, thread, and such other little articles of the kind as might be needed during his journey; he also purchased two pockst knives precisely alike, one of which he presented to his brother, William Merriweather, and then took his departure. Some five or six weeks after he left his home nothing having been heard from him in the inter val-there appeared in the Memphis Enquirer, a startling account of the finding of the dead body of a man in the forest some eight miles South of Memphis, some forty feet East of the Hernando Road, and in the Twelfth Civil District of Shelby county, with every appearance upon it and about it of having been murdered. The body was found at the root of a tree denuded of firsh by decomposition, and by having been eaten by the hogs, and the head, which had been severed from the body, lying some ten feet off. Upon the forehead there was an indeutation, apparently produced by a blow from an octagon hammer, or other instrument. The account contained a description of the person as well as it could be identified, and the color and quality of the clothing left upon the body. The color of the hair was described, the teeth also, and two notable plugs in the same, and the contents of the vest pocket, being among other things of little value, a package of needles, thread and buttons, wrapped in the murderer of his brother-actuated by a sudden insidious emphasis escaped her tongue. The se brown paper, together with some manuscripts much and natural impulse of resentment, he drew a pis- tion was involuntary; sorrow had transfixed her undefaced by exposure to the rain. This account, an- tol from his bosom and placed the muzzle at the conscious gaze upon the sad memorial of her buried swering so well the description of Thomas Merriweather, in a few days reached his family, who were plunged in grief, and startled by the suspicion that ing himself, he observed, "but no, vengeance be- husband's vest." The last article produced, was he had been cruelly murdered. William Merri- longs to God and to the law; your blood shall not the little package of needles and thread wrapped in eather, his brother, went up immediately to the be upon my skirts!" William Peterson was then brown paper, which had been found in the vest vicinity of Memphis to investigate the matter. The body, in the mean time, had been buried. He had it exhumed, and at once thought he recognized it as the mutilated corpse of his lost brother. After reinterring the boily, he went into the city to make further enquiry. This Mr. Merriweather was almost the exact counterpart of his deceased brother in

personal appearance. Remembering that his broth-

er intended to purchase a pocket Bible and pocket

map of Arkansas, in passing through Memphis, he slices of a book merchant if a gentleman had

man!" Upon being informed of his sad mission, ly denied the killing of Merriweather, but said he the merchant told him that his brother, or a gentle- knew who did do it; and although he was indirectly nan much resembling himself, had called about the concerned in it, yet he was eight miles from the time specified and purchased the articles referred to, scene of the murder when it was committed. about three o'clock in the afternoon, and while in He was asked what were his purposes of life, it the store had remarked that he had visited Mem- he had not been detected in this robbery; he rephis en route to Arkansas, where he intended purch- plied with a cruel naivete, that he had intended to asing lands, but upon learning that the cholera was continue in business until he had accumulated a raging upon the river, and in a portion of the coun- fortune, and then retire from the practice. About

try through which he intended to pass, he had con- two days after his arrest, Wilham Merriweather cluded to return home, that he would start out that took out his own knife in the presence of the prisevening and go some five or six miles on his jour- oner, and held it up by the blade before him, in siney home, and postpone his trip Westward until a lence. The prisoner gazed earnestly at it for a moment, and observed, "that is not your brother's There were several persons in the store at the knife sir." Soon afterward he was taken to Shelby time of this conversation, some of whom were un- county to be lodged in fail to await his trial. In known to the merchant. Upon receiving this in passing by the scene of the murder he was observed formation. Mr. Merriweatner took the road his to turn deadly pale, and to gaze fixedly in an oppobrother had taken homeward, and after a ride of site direction from that in which the body had been six miles he reached the house of Mr. Hammel, the found. He was indicted in the Circuit Court at only public house in that vicinity, where he thought Raleigh, not as accessary, but as the actual murit likely his brother had spent the night on his derer of Thomas Merriweather. The bill of indict. journey toward home. Mr. Hammel, upon inquiry, ment contains but one count, alleging the homicide told him that his brother had spent the night with to have been committed with a knife. When put him about the time specified-and that on the same upon his trial and charged upon the bill of indictnight a young man but poorly clad, whose name he ment, he plead not guilty thereto, and a jury were did not learn, had spent the night there also. The empannelled to try the issue. In trials of so grave young man came in, he said, from the direction of a character, the law in its mercy, requires the proof Memuhis, a short time after dark, and seemed to of every circumstance necessary to constitute the be travelling on foot. Upon the trial, Mr. Hammel guilt of the accused, to be established so clearly in recognized the prisoner as the same person. He the minds of the jury as to exclude every possible was going toward Hernando, as he said, and from hypothesis of his probable innocence, In the muhis appearance, was in feeble health. The young tilated condition of the body when found, which man and the deceased had conversed much during had been exposed for five or six weeks in the open the evening-and he had heard the deceased giving wood, to rough weather and furious rains, with its the young man much kindly advice. They seemed, head severed from it, and every bone well nigh dehowever, to be strangers to each other. The next puded of its flesh-the proof of its identity be morning the young man arose, paid for his lodging came a most delicate and difficult question. The and supper, and left very early before breakfast, testimony of William Merriweather, who had exgoing on his journey toward Hernando. He seem- humed and examined it, as to his belief that it was ed to have but little money. When the deceased the body of his brother, from the color of the hair came down to his breakfast about 7 o'clock, he en- and the appearance of the plugged teeth, but who quired for the young man, and upon being told that also testified that several of the front teeth had he had gone, he expressed some regret, stating that been lost since he had seen his brother living, and the youth appeared to be frail and feeble, and that could nowhere be found, was wholly insufficient for he intended to give him a ride during much of the this purpose, and tended rather to obscure than to journey to Hernando. The deceased left Mr. Ham elucidate the point in question. Under these cirmel's and took the road toward Hernando immedicumstances it became utterly impossible, under the ately after breakfast. The body was afterward austere requirements of the law, to sustain the infound about two miles from Mr. Hammel's, upon dictment without further testimony. Mr. Merrithat road. After getting this information, Mr. Merweather could not identify the few torff and tattered riweather resumed his journey toward his home in garments which the robber had left upon the de-Mississippi. In passing through a village some ceased, and which had totally changed appearance hundred miles from Memphis, he instituted further by exposure to the weather. He thought, however, nquiry, and was informed that some five weeks be that he recognized a letter or two of the small piece fore, a young man rode into the village on a fine of obliterated manuscript, found in the vest pocket, blood-bay horse, and offered him for sale at much as his brother's hand writing. But this was no ess than he was supposed to be worth. A gentleenough. The vest was of figured satin, which he man present suspected from this and other circum- had never seen, the quality and texture of which stances that the horse had been stolen, and upon could be discerned by a little spot which was luckcatechising the youth pretty closely, he suddenly ily preserved from the general decay by being covput spurs to the horse and galloped him off. The ered by the lappel. The clothing and the contents young man's name was given as William Peterson; of the vest pocket had been preserved, and were and the horse had been sold by him to a gentleman produced upon the trial. In this dilemma, it be a few miles from the village. Mr. Marriweather came the painful duty of the State's counsel to in then went in quest of the horse, which proved upon troduce as a witness the lovely young bride of the aspection to be the noble animal referred to, of his deceased, who was anxious to be spared the terrible at brother. The father of Peterson lived not far ordeal. All mantled in mourning robes, for the loss distant, who is said to be a very respectable and of her noble husband, she was conducted into the worthy citizen. Mr. Merriweather had confidence court house in the midst of a breathless and prothe old man's truth and integrity, and fearing arly blighted love, and inconsolable grief, had preterson, by prematurely denouncing him as the murceded her, and her entrance produced among the derer, he visited the father and unfolded to him all vast concourse of spectators a most intense and inthe circumstances of suspicion by which his son describable effect. She was conducted to a seat was complicated. The story fell upon the ears of within the Bar. For a time she was overcome by the father and devoted young sisters of Peterson, a tempest of emotion and agitation, but recovering like the explosion of a bomb shell. The young man her self-possession she glanced upon the court and had returned home, after a long absence, ri the bar and the jury a look which seemed embodied ding the fine horse in question-well dressed in words, and which almost audibly implored them and well supplied with money. He had told to "let this cup pass from me." Finally her eves them that the horse was purchased by him in Holly wandered to the prisoner's dock, where sat the mar-Springs, at auction, upon the streets. This they be ble featured and imperturbed murderer of her huslleved, and were still in the confidence of affection pand, whom she had never seen before. Then her nopeful of his innocence, and assured that he would catures were lighted up by a sublime flash of r be able to dissipate the cloud of suspicion which sentment, which was, however, instantly subdued enveloped him. Mr. Merriweather informed them and succeeded by a woman's look of pity for the of the circumstance of his brother's having purinfortunate wretch upon whom she gazed. It was chased a pocket Bible and small map of Arkansas. a beautiful struggle between justice and mercyin Memphis. At this announcement the father was woman's love and woman's noble humanity-a nastill more startled, and wholly subdued, and the sistural spirit of resentment and an all subduing pity ters in an agony of tears admitted that the brother She saw before her a triendless and forsaken wretch had brought home and presented to them such artiwho had bartered his soul for gold, and against whom cles as Mr. Merriwesther described. The little bithe hands of all mankind were turned-whose life ble and pocket map were at once produced and dehung upon the little words then by her about to be livered to Mr. Merriweather, and upon the trial spoken-and she thought of the death struggle of were identified by the Merchant as the same that he him, the early loved and lost, whose noble na had sold the deceased. William Peterson was asture would have never consented to the slighest

ment with a divided heart-but justice prevailed, of mind between his commiseration for the father and she burst into tears. and sisters of Peterson, and his eagerness to bring to punishment the murderer of his brother, he de-

tittle of mjustice. Like Sabina, the beautiful hero

ine of Corneille in the Horatii, she stood for a mo

My fears and hopes are given alike to either side, In each event I mourn as sister or as bride." The sensation among the spectators at this mo his seeking him was to examine his wardrobe, and ment was intensified beyond all power of descripif possible still further to satisfy himself of his tion. The large area of the court room presented guilt. About eleven o'clock at night, the party the scene of a shower of tears. For a time the in alighted at the Hotel in Grenada, where Peterson vestigation was suspended by the general grief .was said to be sojourning. Peterson had retired to The eyes of the hardy yeomanry which had well bed, and they were shown to his room; the light nigh forgotten how to weep-the learned judge, the shone instantly upon his face as the party entered, lawyers and officers of the court, whose hearts and he was discovered to be apparently asleep- were steeled by frequent scenes of sorrow and sadthis, however, upon closer inspection of his half- ness, all were overwhelmed-all save the prisoner, closed eyes, and trembling eye lids, was evidently who sat, calm, motionless, tearless, morally isolated feigned. He was touched by one of the party and and alone. The trying task of examining the wittold that they had come to arrest him on a charge ness was assigned to T.S. Ayres, Esq., an associate of murder, committed in the city of St. Louis. He counsel for the State, who performed it delicately instantly arose and replied that he was ready to an- and efficiently. The articles were presented to her swer the charge. His eyes, in glancing upon the scriatim, and she was severally questioned as to her faces of the party, fell upon the pallid and excited recollection of them. First, a lock of her lost husface of William Merriweather, whom he had never band's hair, which she stated upon her belief to be seen before, upon which his gaze for a moment was his Next, the articles of wearing apparel, several fixed—then his head dropped upon his breast, and of which were too much altered for her recognition he sighed deeply. Mr. Merriweather asked him for The vest was produced; she held it up in her hand the key of his trunk, which he gave him; the trunk for a moment in doubt, until her attention was called was opened, and Mr. Merriweather proceeded to to the spot beneath the lappel, where an entire figinspect the articles it contained. He recognized at ure was preserved from the general decay, when once a pair of pantaloons of rare texture, and some she at once pronounced it, upon her belief, to be shirts and a vest which he believed to be his broth- his vest. For a moment after she recognized it, er's. But fearing still that he might peradventure she held it up and gazed upon it through her tears. be mistaken in opinion, he determined still further One was reminded by the incident, and the excite to look into the contents of the trunk, when he ment it produced apon the twelve stern arbiters of found a pair of socks resembling a pair his brother justice, of the scene when Cresar's bloody mantle had taken with him, one of which was marked with was exposed to the Roman people-

his own initials, and the other with those of his brother. Upon this discovery he was overwhelmed with the conviction that he was in the presence of but the effect was unintended-no artful word heart of Peterson, exclaiming, "You, sir, have love. Her answer was direct, plain, and made with murdered my poor brother," but instantly collect- no attempt at stage effect : "I believe this is my arrested upon the charge of murder. The person pocket. The instant it was exposed to her view and the trunk of the prisoner were carefully search- she was convulsed in an agony of tears-it was the ed for the knife of the deceased, but it could no most touching memorial of all-it was her own last where be found. Nothing was said to him, how- act of considerate love, to place it in his vest pocket ever, in reference to the knife-and it was at no with her own hand as she gave him the parting time intimated to him that the deceased had a knife kiss-his image stood before her in all its glow of when he left his home. Upon the person of the youth and manly beauty, as it looked when he bade prisoner was found about one handred dollars in her farewell for the last time. These little memomoney, and a promissory note for twenty five dol- rials were consecrated things, as dear to her beart lars, executed to him in part payment for the borse as they were menacing to the prisoner's fate. She by the gentleman who had purchased him. Some enderrored to control herself and answer the ques--a sea or six weeks | pistols were also found in his possession, one of tions. It was in vain. Prate as we may of forti-Thy I to the he

to be based. The other trans-

holy will be done," and say it trustingly-but when Raleigh. In the judicial arrangements of that

beyond the possibility of a doubt. whether the disjointing of the vertebral bone refer- sources of evidence by which the dearest rights o red to, might not have been effected by compression life, liberty and property, have been determined might have been done in that way." It was proven submitted on behalf of the Sate, but was stoutly that many hogs were about the body when it was opposed by the prisoner's counsel, who knew its found. When the cause was submitted to the jury ever shelming force. oner had evidently seen and examined carefully the ed and caught him. There was a saddle and bridle dirk knife of the deceased, as evinced by the inci- and pair of saddle bags upon him. The rein of the dent related by Mr. Merriweather; and had so dis | bridle was upon his neck. The gentleman finding i silonce. The history of her devoted an tleman, although its counterpart, was the knife of his hand, until a young man came forward and the deceased, clearly established the proposition as claimed him. The young man who claimed the far as circumstances could do it, that the instrument horse, was recognized by the gentleman upon the of death was a knife. It was believed by the State's trial as the prisoner at the bar. He came forward, counsel, from all the facts of the case, that the said the gentleman, claimed the horse, thanked him highwayman, who, during the night before had gracefully for catching him, mounted and rode hurwon the sympathy and confidence of his noble and riedly off in the direction of Hernando. The prisunsuspecting victim, had decoved him into the oner's clothes were observed at the time to be wood under some pretext, and had perhaps induced covered with dirt as if he had been rolled upon the his money or his life. The well known brave and the gentleman went on his way thinking nothing of chivalrous character of the deceased, authorized the the circumstance. The facts here submitted to the

> jury believed with the counsel for the State. But a still more startling scene in this strange of the various little feats of intelligence, which add drama remains yet to be unfolded. 'Tis a hallowed to the character of that noble animal so great an principle of criminal jurisprudence, as we have interest. seen, that a prisoner is presumed to be innocent of the charge preferred against him until the contrary

and certainty, conquest and defeat.

"Like to s ship That having 'scaped a tempest, is straightway stranded,

As the chain of circumstantial proof would, link by link, demolish one after another, the strong bulwarks of the law, by which the prisoner's life was guarded, behold! vet another and more formidable one still would rise in its stead, and for a time threaten to baffle the claims of justice, even when she clamored for the sacrifice. Thus far the moral elements of guilt were all established. That Thomas Merriweather had been slain by a highwayman for his money, and that the prisoner was the guilty perpetrator of the deed, was shown by the proof beyond all shadow of doubt, and the technical requirements of the law were all auswered with equal clearness and certainty. At this juncture the startling fact was elicited upon a cross examination of one of the citizens who first discovered the dead body, that there were appearances upon the leaves and ground, of the body's having been dragged from the road toward the tree where it had been found. This dislosure changed the whole status of the case, and poless it could be explained, it would imperatively, under the rules of law, demand the acquittal of the prisoner. We have seen that the indictment was red in the circuit court of Shelby county at

*Nore.—Strict and rigid as were the rules of the accient common law in reference to technical requirements on State trials, the courts of this day are rapidly obliterating this stigma upon the criminal jurispredence, both in this country and in England. What are known as technical exceptions, which are often as whighered as they are absurd, receive but liftle mercy when they stand in the way of substantial jurities, especially with the present enlightened judiciary of Tunnessee. When in a recent case in England as authority was produced showing that a bex containing charters was not the subject of larceny, because, the charters savored of the realty, Baron Alderson responded from the bench—"Then if a finn he confined in a cage, the care is to be considered as from natura." Upon which the Lord Chief Justice observed, 'that it had been well settled in Groucester shire, that larceny could not be committed of a carrary's cage, because it savored of the canary." A very well merited and apposite buriesque upon what Lord Hair denounced even in his day, a burning reproach is the law.

we look upon the shattered idol of a fond love, it is county the criminal jurisdiction is divided between folly to say to the artesian fountain of a true heart, two courts. The court at Memphis, a distinct tripeace, be still. Her sobs were the only answers bunal, has jurisdiction of all crimes committed in she could give to the interrogatories of counsel .- the 5th, 18th and 14th civil districts, and the court She was conducted from the court house-the iden- at Ruleigh exclusive jurisdiction of all crimes com tity was proven, and the corpus delicti established mitted in the 12th and all the other districts of the county. The body was found in the 12th civil dis-There were still other obstacles in the way of a trict, some forty or fifty feet from the Hernando conviction yet to be surmounted. The legal barri- road, and the dividing line between the 12th disers by which the prisoner's life was fortified were not trict and the 13th, which lay on the opposite side of yet broken down. He was defended by Wm. K. the road, was the road, or ran along the same for Poston and Ceylon B. Frazer, Esqs., two among the some distance in either direction from the spot most accomplished advocates at the Memphis bar, where the body was found. The dividing line was who sternly contested every inch of ground with a not very well defined in proof, but it was generally | nue was proven-thus the doom of the prisoner zeal and ability quite commensurate with the mo- understood that the road was on the same. The mentous issue involved. The law requires that the fact that the body was found in the 12th civil disallegations which are material in a bill of indiotment trict, without countervailing evidence, would, of shall be substantially proven as averred. The in- itself, have sufficed to identify the venue as averred dictment, as we have seen, contained but one count, in the indictment. But, in view of the important and that averred that the homicide was committed fact referred to in reference to the appearances with a knife. No doubt was entertained upon this upon the ground, it became a matter of momentous point until the testimeny upon the trial began to concern to rebut the presumptions arising theretend to the hypothesis that the murder had been from, or else the prisoner could not legally be con committed with a pistol.* The whole proof was victed under the indictment. If the proof indicated circumstantial. When the body was found, as will that the murder was done in the 13th civil district, be remembered, the head was severed therefrom, the court had no jurisdiction of the cause; if, or and was lying some paces from it. The flesh was the other hand, it satisfied the minds of the jury too far decomposed to distinguish the incision of a that it was done in the read the result was equally knife, but the fact that the head was off tended to fatal, and the doctrine of "reasonable doubts," must the conclusion that a knife was used to effect it. It inevitably acquit the prisoner. Thus, again, was will be remembered also, that upon the forehead of the prisoner's fate suspended on the pivot of doubt the deceased, there was a deep indentation which when his doom had seemed irrevocably sealed. The must have been made during the desperate strug- witness was asked, if it did not seem also, that the gle, and which, as the witness believed, was made body had been dragged about by the animals which by an octagon shaped hammer, or other instrument had been feeding upon the flesh? This he answered of that shape, and also that the prisoner had been in the affirmative, but still adhered to the conviction seen with a large octagon barrelled pistol. In addi- that appearances indicated that it had been dragged tion to this, one of the vertebral bones in the neck from the direction of the road also. Another wit had been evidently disjointed by a violent concus- ness with him at the time, had not observed these sion from a blunt instrument. The very intelligent appearances. At this critical point, the counse surgeon who examined the body and testified to for the State bethought them of certain marvellou these facts, believed that this was done by a pistol and novel conduct of the noble horse which has ball, and that when done it produced instant death, been referred to, which had come to their knowl It seemed then, that the murder was actually perpe- edge in conversations with the witnesses, and which trated with a pistol, but a knife had been probably in their judgments, settled the question of venue used in the horrible climax the prisoner gave to his as authoritatively as it could have been done by the work in severing the head from the body. This left | sworn testimony of a score of human witnesses. The the question somewat in doubt, until the counsel known instincts of animals have, from time imme for the State asked of the surgeon the question, morial, been esteemed in the law as among the

between the tusks of a hog? He replied, that "it Testimony as to these facts was proposed to be in argument, the counsel for the State argued upon | The learned Judge overruled the objections and this point, that inasmuch as it appeared that the admitted the testimony. It had been proven in the homicide was committed on the morning of the course of the trial that about 8 o'clock on the Sun Sabbath, very near to a much frequented highway, day morning that the deceased and the prisoner left and in a populous neighborhood, the probabilities Mr. Hammel's, a gentleman coming toward Memwere against the hypothesis, that the prisoner phis met the horse proven to have been hir. Merriwould have rendered himself so liable to immediate | weather's, on the Hernando road, about two thou detection in the commission of so dreadful a crime, sand vards from the scene of the murder, and South as by the firing of a pistol; and that this fact, con- of the same, galloping at full speed in the direction nected with the severance of the head from the body, of Hernando, and appearing to be exceedingly and the further pregnant circumstance that the pris- frightened; with difficulty the gentleman intercept posed of it as to be enabled confidently to negative the animal almost uncontrollable from agitation and the idea that the knife held before him by that gen- fright, had some difficulty in retaining the rein in him to dismount from his horse, and then demanded ground but supposing the horse had thrown him, further supposition that this demand was flatly re | jury, in reference to the wonderful instincts of the fused, upon which a struggle ensued, in which the horse, are these: It will be remembered that the deceased attempted to use his dirk knife, and was noble animal in question was of extraordinary in prostrated by a blow in the forehead with the heavy telligence, and singularly attached to his master, octagon pistol-the knife wrested from his hand and whom he was in the habit of following about whenused by the highwayman in assuring his dreadful ever he came to the pasture or the farm yard where purpose, by severing the head from the body. The he was, Thomas Merriweather had owned the horse for several years, and had taught him many

Some several months after the prisoner had been committed to jail under indictment, William Merribe shown. Imperious justice as his guardian spirit weather, accompanied by a number of gentlemen, yields nothing of her demands. There she sits in witnesses in the case, came up from their homes in mute majesty-high raised above the solemn tribu- Mississippi to attend the trial. William Merrinal-her right hand pointing to the prisoner's dock. weather, was riding the horse of his deceased brothand holding in her left the well poised scales, sensi- er, which had by this time been recovered into tive to their gentlest vibration, but beautiful in her the family. Their journey lay along the Hernanblindness-and upon her frontlet is written those do road, and by the spot where the body had been fearful words: "By whomsoever man's blood be found. About one or two hundred yards, before shed, by man shall his blood be shed;" but encire the party reached the scene of the nurder, the ling these, like a glorious halo, may still be seen. horse upon which William Merriweather was mounthose gentler, bolier words: "It were better that ted, began to exhibit symptoms of alarm and exninety and nine guilty persons should escape, than citement, which considering his ordinarily gentle and that one innocent man should be punished." And tractable character, much susprised his rider and in these few glowing words, is written the whole the gentlemen who were with him. There was no code of criminal justice. A prisoner may therefore apparent cause of alarm, and the several other be morally steeped in guilt, but legally he is an in- horses of the party betrayed none. His agitation nocent man, unless he be guilty "in manner and increased as the party approached the fatal spot; form as charged" in the written accusation against and when they had reached a point in the road opposite to it, the excitement of the horse arose to In the mysterious complexity of fact and circum | so forious a pitch, that he became almost unman stance by which the prisoner's fate appeared to be ageable. The whole party checked their horses, enveloped, the claims of justice seemed, during the and for a moment regarded the strange conduct whole trial, to alternate continually between doubt of the horse with profound astouishment. His flesh quivering -his nostril distended, his eye glaucing into the wood where his noble master had met his horrible fate-he stood for a moment, snorting and neighing-a sublime picture of wildest excitement. One of the party suggested to Mr. Merriweather to give him the rein, which meanwhile had been tightly drawn. This was done, and instantly the noble animal rushed into the wood, and down to the indentical tree under which the body had been found and commenced pawing at its root. After a moment, he trotted out further into the wood, and after making a semi-circle in his course, return el to the same spot, and there stoo | neighing, trembling and pawing until he was forced away. Simi lar exhibitions were made by the horse several times afterwards in passing the spot. At this startling development in the t stimony, a thrill of feeling ran through the Court room, like an elecrie shock. Thus far the proof had traced out the history of this mysterious murder with a certainty too fearful to be doubted-and bad pointed to the pallid youth who sat in the prisoner's dock as the guilty agent thereof. Justice, tempered, even with an unstrained mercy, seemed impatient for the sacrifice, when the strong arm of the law interposed in its might and majesty to shield him. The venue unproven or even in doubt -would have left to the tribunal of justice, no other alternative *Nors.-Strict and rigid as were the rules of the ancient than to bid him go out again a free wanderer upon

No blood had ever been seen in the road-and no appearance of a struggle there. If the killing MEMOIR OF S. S. PRENTISS. had been done in the road the horse whose rapid flight and wild fright on that morning must have been occasioned instantly by the death struggle, would have known nothing of the tree in the wood. The whole scene was vividly, pictured before the minds of the jury-as if typed by the glorious art of Daguerre; the decovinto the wood-the robber's demand for gold or blood-the deaths struggle at the tree-and the lustant flight of the frightened steed whose noble instincts were destined to vindicate, as if by a miracle, the unerring certainty of retributive justice; and thus the vewas scaled, and thus

Hath turned the course of many a river,

The verdict of the jury was, that the prisoner was guilty of murder in the first degree, as charged in the bill of indictment, and sentence of death was pronounced against him, which was afterwards commuted to imprisonment for life in the State penitentiary. In that gloomy catacomb of human principle has been hearts and hopes, where time is as eternity, and the very sun-light that enters there seems subdued by for one month, and if it don't give complete satisfaction, to a sense of liberty lost, William Peterson now expiates his dreadful crime.

BUSINESS NOTICE.

"Modern Mysteries Explained," which has been denominaied "The Giant Work of the Age," has just been receiv- a Corn and Cob Mill which admits of a lateral or wabbling ed by Charles W. Smith In this book Professor Mahan, of motion will, nece sarily, soon wear out; all other Crushers Ohio, has met Sciritualism on its own ground, meeting and are amenable to this grand officetion, and the Proprietors explaining by the laws of Science, all the well-attested facts which have by the superstitions been attributed to "Spirit-lessened friction, and I charlesse one wond to the contrary;

MARRIED-On Friday, 23d inst., by Rev. Dr. Edgar, Mr. MATHEW HENDERSON to Miss JEANETTE TURNER, all of this city.

At the same time, Mr. Andrew Henderson to Miss JANE TURNER.

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earnest desire of the putrons of the Theatre. Monday Evening, Nov. 26, will be acted the popular Dra-ma of the FRENOH SPY, in which Miss Albertine will ap-pear in six characters, Matinde, Wild Arab Boy, Dance, &c. Trevious to which the Drama of IRELAND AS IT I'.— Ragged Pat, Mr. Chanfrau; Judy O'Frot, Miss Albertine.

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ply to [nov20—da=4i] T. W. KING,
Clarksville, Tenn.

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